

SENATE BILL NO. 384

INTRODUCED BY D. RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT ~~CREATING THE OFFENSE OF NEGLIGENT CRIMINAL TRESPASS TO PRIVATE REAL PROPERTY~~ SETTING A MAXIMUM PENALTY FOR NEGLIGENTLY STRAYING ENTERING ONTO PRIVATE PROPERTY WITHOUT PERMISSION WHILE HUNTING ON PUBLIC LAND; AND AMENDING SECTION ~~45-6-203~~ 87-3-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 45-6-203, MCA, is amended to read:~~

~~"45-6-203. Criminal trespass to property. (1) Except as provided in 70-16-111, a person commits the offense of knowing criminal trespass to property if the person knowingly:~~

~~(a) enters or remains unlawfully in an occupied structure; or~~

~~(b) enters or remains unlawfully in or upon the premises of another.~~

~~(2) (a) A person convicted of the offense of knowing criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.~~

~~(b) A person who negligently enters unlawfully upon the real property of another by leaving public land and entering onto private real property at a point that is not posted, as provided in 45-6-201, and who does not have other knowledge that a boundary between public land and private real property has been unlawfully crossed commits the offense of negligent criminal trespass to private real property. A person convicted of the offense of negligent criminal trespass to private real property shall be fined an amount not to exceed \$100."~~

SECTION 1. SECTION 87-3-304, MCA, IS AMENDED TO READ:

"87-3-304. Landowner's permission required for hunting -- negligent straying ENTERING onto private property -- penalty. (1) Every resident and nonresident must have obtained permission of the landowner, the lessee, or their agents before taking or attempting to take nongame wildlife or predatory animals or hunting on private property.

(2) Except for hunting big game animals on private property and as provided in subsection (3), a

1 person who violates this section shall, upon conviction for a first offense, be fined an amount not to
2 exceed \$25.

3 (3) A person who negligently enters private real property in violation of this section by leaving
4 public land and entering onto private real property in an area that is not posted and who does not have
5 other knowledge that a boundary between public land and private real property has been crossed without
6 permission commits negligent straying onto private property. A person convicted of negligent straying
7 onto private property shall be fined IS SUBJECT TO A CIVIL PENALTY IN an amount not to exceed ~~\$100~~ \$50."

8 - END -